

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1228 of 2023

Arising Out of PS. Case No.-310 Year-2022 Thana- RAMGARHWA District- East
Champaran

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Baidullah Alam, Son of Inamul Miyan, Resident of village - Majhariya, P.S.-
Ramgarhwa, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioner and the

learned APP for the State.

2. Petitioner seeks regular bail in connection with
Ramgarhwa P.S. Case No. 310 of 2022 dated 13.09.2022
registered for the offence punishable under Section 366(A)/34
of the Indian Penal Code and Section 8 of the POCSO Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the victim has been recovered
and she recorded her statement before the Judicial Magistrate in
which she stated that she herself went to the shop of this
petitioner on account of having love affair with him and in view
of this statement it is clearly evident that the victim was not
enticed by this petitioner, hence the offence under Section
366(A) of Indian Penal Code is not made out and according to



the statement made by the victim the petitioner did not sexually assault her so the offence under Section 8 of the POCSO Act is also not made out and as per medical board's opinion, victim's age has been assessed between 18 and 19 years and the concerned Magistrate assessed victim's age as 16 years and the petitioner has fair and clean antecedent and he is a young person and has been languishing in jail since 21.09.2022.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly victim's statement recorded under Section 164 of Cr.P.C. as discussed in the order impugned which goes against the allegations levelled against the petitioner, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, let the petitioner be released on bail in connection with Ramgarhwa P.S. Case No. 310 of 2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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